IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7909 OF 2006

Suresh Raghunath Raundal & ors. Petitioners
versus
State of Maharashtra & others Respondents

Mr.A.D.Avhad for petitioners.
Mr.P.M.Joshi for respondent no.4.

CORAM : A.P.DESHPANDE, J.

DATE : 04th December 2006

PC :

1. Heard. The present petitioners were members of the respondent no.4 society. The petitioners were expelled by having recourse to Section 35 of the Maharashtra Co-operative Societies Act ("MCS Act" for short). The Resolution passed by the society u/s 35(1) of the MCS Act has been approved by the Registrar, Co-operative Societies. An appeal against the order passed by the Registrar has been filed by the petitioners before the State Government and the State Government has, by impugned order, rejected the stay petition. Aggrieved thereby the present writ petition has been filed.

2. The learned counsel for the petitioners submit that the petitioners be permitted to participate in the election process as their expulsion is in breach of the principles of natural justice. The issue whether the expulsion of the petitioners is legal or otherwise, is subjudice in an appeal filed before the State Government. As of now, as the action of expulsion has been approved by the Registrar, Co-operatives, unless and until the petitioners succeed in the appeal, they cannot claim a right to participate in the election process which is on going. In the result, the writ petition is summarily rejected.

(A.P.DESHPANDE, J.)